

subject to treatment or disposal under the provisions of this Act or the regulations issued thereunder;" after "subject to this chapter;".

#### CHANGE OF NAME

"United States magistrate judge" substituted for "United States magistrate" in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, "United States magistrate" substituted for "United States commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

### § 150gg. Violations

#### (a) Criminal penalties

Any person who—

(1) knowingly violates section 150bb of this title or any regulation promulgated under this chapter;

(2) knowingly forges or counterfeits any permit or other document provided for by this chapter or by any such regulation; or

(3) knowingly and without the authority of the Secretary, uses, alters, or defaces any such permit or document;

shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$5,000, by imprisonment not exceeding one year, or both.

#### (b) Civil penalty

Any person who—

(1) violates section 150bb of this title or any regulation promulgated under this chapter;

(2) forges or counterfeits any permit or other document provided for by this chapter or by any such regulation; or

(3) without the authority of the Secretary, uses, alters, or defaces any such permit or document;

may be assessed a civil penalty by the Secretary not exceeding \$1,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28. The validity of such order may not be reviewed in an action to collect such civil penalty.

(Pub. L. 85-36, title I, § 108, May 23, 1957, 71 Stat. 34; Pub. L. 97-461, § 1(b), Jan. 12, 1983, 96 Stat. 2523.)

#### REFERENCES IN TEXT

In the original, "this chapter" was "this Act". See note set out under section 150aa of this title.

#### AMENDMENTS

1983—Pub. L. 97-461 designated existing provisions as subsec. (a), divided existing provisions among pars. (1) through (3), substituted "\$5,000" for "\$500", and added subsec. (b).

### § 150hh. Separability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of such provision to other per-

sons and circumstances shall not be affected thereby.

(Pub. L. 85-36, title I, § 109, May 23, 1957, 71 Stat. 34.)

#### REFERENCES IN TEXT

In the original, "this chapter" was "this Act". See note set out under section 150aa of this title.

### § 150ii. Authority as additional

The authority conferred by this chapter shall be in addition to authority conferred by other statutes not specifically repealed hereby.

(Pub. L. 85-36, title I, § 111, May 23, 1957, 71 Stat. 34.)

#### REFERENCES IN TEXT

In the original, "this chapter" was "this Act". See note set out under section 150aa of this title.

#### CODIFICATION

Section constitutes first sentence of section 111 of Pub. L. 85-36. Second sentence of section 111 is classified as section 150jj of this title. Third sentence of section 111 repealed sections 141 to 144, and 441 of this title. Remainder of section 111 is set out as a note under section 147a of this title.

### § 150jj. Plant Quarantine Act unaffected

Nothing in this chapter shall amend or repeal any of the provisions of the Plant Quarantine Act [7 U.S.C. 151 et seq.].

(Pub. L. 85-36, title I, § 111, May 23, 1957, 71 Stat. 35.)

#### REFERENCES IN TEXT

In the original, "this chapter" was "this Act". See note set out under section 150aa of this title.

The Plant Quarantine Act, referred to in text, is act Aug. 20, 1912, ch. 308, 37 Stat. 315, as amended, which is classified generally to chapter 8 (§ 151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 151 of this title and Tables.

#### CODIFICATION

Section constitutes second sentence of section 111 of Pub. L. 85-36. For disposition of remainder of section 111, see Codification note set out under section 150ii of this title.

## CHAPTER 8—NURSERY STOCK AND OTHER PLANTS AND PLANT PRODUCTS

Sec.	
151.	"Person" defined.
152.	"Nursery stock" defined.
153.	Liability of principal for act of agent.
154.	Importation of nursery stock.
	(a) In general.
	(b) Regulations.
155.	Importation for scientific purposes permitted.
156.	Notification of arrival at port of entry; forwarding without notification forbidden; inspection before shipment.
157.	Marking packages, etc., for entry.
158.	Marking packages, etc., for interstate shipment; inspection.
159.	Regulations by Secretary restricting importation of plants, etc., other than "nursery stock".
160.	Regulations by Secretary restricting importation from insect-infested locality; when quarantine effective.

- Sec.  
161. Interstate quarantine; shipments or removals from quarantined localities forbidden; regulations by Secretary for shipment, etc., from quarantined localities; promulgation.
- 161a. Omitted.
162. Rules and regulations.
163. Violations; forgery, alterations, etc., of certificates; punishment; civil penalty.
164. Duty of United States attorneys to prosecute.
- 164a. Enforcement of quarantine against nursery stock and plant products; search and seizure.
- 165, 165a. Repealed or Omitted.
166. State terminal inspection; transmission of mailed packages for State inspection; non-mailable matter; punishment for violations; rules and regulations by United States Postal Service.
167. Rules governing District of Columbia.

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 150aa, 150dd, 150ee, 150jj, and 2811 of this title; title 39 sections 3014, 3015.

### § 151. “Person” defined

The word “person” as used in this chapter shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations.

(Aug. 20, 1912, ch. 308, § 11, 37 Stat. 319.)

#### CODIFICATION

Section is comprised of a part of section 11 of act Aug. 20, 1912. Other provisions of section 11 are classified to section 153 of this title.

#### EFFECTIVE DATE

Section 14 of act Aug. 20, 1912, provided: “That this Act [enacting this chapter] shall become and be effective from and after the first day of October, nineteen hundred and twelve, except as herein otherwise provided.”

#### SHORT TITLE

Act Aug. 20, 1912, as amended, which is classified to this chapter is popularly known as the “Nursery Stock Quarantine Act” and the “Plant Quarantine Act”.

#### CROSS REFERENCES

Words denoting number, etc., see section 1 of Title 1, General Provisions.

### § 152. “Nursery stock” defined

For the purpose of this chapter the term “nursery stock” shall include all field-grown florists’ stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits, and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots.

(Aug. 20, 1912, ch. 308, § 6, 37 Stat. 317.)

#### CROSS REFERENCES

Regulations restricting importation of plants, etc., other than nursery stock, see section 159 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 159 of this title; title 39 section 3014.

### § 153. Liability of principal for act of agent

When construing and enforcing the provisions of this chapter, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

(Aug. 20, 1912, ch. 308, § 11, 37 Stat. 319.)

#### CODIFICATION

Section is composed of part of section 11 of act Aug. 20, 1912. Other provisions of section 11 are classified to section 151 of this title.

### § 154. Importation of nursery stock

#### (a) In general

No person shall—

(1) import or enter into the United States any nursery stock; or

(2) accept delivery of any nursery stock moving from any foreign country into or through the United States;

unless the movement is made in accordance with such regulations as the Secretary of Agriculture may promulgate to prevent dissemination into the United States of plant pests, plant diseases, or insect pests.

#### (b) Regulations

The regulations promulgated by the Secretary of Agriculture to implement subsection (a) of this section may include regulations requiring that nursery stock moving into or through the United States—

(1) be accompanied by a permit issued by the Secretary of Agriculture prior to the movement of the nursery stock;

(2) be accompanied by a certificate of inspection issued, in a manner and form required by the Secretary of Agriculture, by appropriate officials of the country or State from which the nursery stock is to be moved;

(3) be grown under postentry quarantine conditions by or under the supervision of the Secretary of Agriculture for the purposes of determining whether the nursery stock may be infested with plant pests or insect pests, or infected with plant diseases, not discernible by port-of-entry inspection; and

(4) if the nursery stock is found to be infested with plant pests or insect pests or infected with plant diseases, be subject to remedial measures the Secretary of Agriculture determines to be necessary to prevent the spread of plant pests, insect pests, or plant diseases.

(Aug. 20, 1912, ch. 308, § 1, 37 Stat. 315; July 31, 1947, ch. 405, 61 Stat. 680; Sept. 28, 1988, Pub. L. 100-449, title III, § 301(f)(3)(A), 102 Stat. 1869; Dec. 8, 1994, Pub. L. 103-465, title IV, § 431(d)(1), 108 Stat. 4967.)

#### AMENDMENTS

1994—Pub. L. 103-465 amended section generally, substituting present provisions for provisions outlining general restrictions on importation of nursery stock into the United States along with exceptions to such restrictions.